

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 08 2005

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

ABDOL AMIR VAHEDI,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 03-71413

Agency No. A24-933-329

MEMORANDUM*

ABDOL AMIR VAHEDI,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-70425

Agency No. A24-933-329

On Petition for Review of an Order of the
Board of Immigration Appeals

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

Submitted August 4, 2005**
Pasadena, California

Before: CANBY, KOZINSKI, and RAWLINSON, Circuit Judges.

1. Abdol Amir Vahedi's petition, although filed under the transitional rules of the Illegal Immigration Reform and Immigrant Responsibility Act, "shall be treated as if it had been filed as a petition for review under [8 U.S.C. § 1252]." REAL ID Act, Pub. L. No. 109-13, § 106(d), 119 Stat. 231, 311 (2005). We lack jurisdiction to review the BIA's discretionary decisions to deny Vahedi's applications for adjustment for status and for waiver of inadmissibility, *see* 8 U.S.C. § 1252(a)(2)(B)(i), except for constitutional claims or questions of law, 8 U.S.C. § 1252(a)(2)(D).
2. Vahedi raises one claim over which we have jurisdiction: whether he was required to seek a waiver of admissibility. We decline to decide this issue; the BIA denied Vahedi's application for adjustment of status as a matter of discretion, regardless of whether a waiver was required.

PETITION DISMISSED.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

